

MAY 05 2006

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DATE MAY 5, 2006

| TO | COMPANY NAME | FAX NO. | PHONE NO. |
|---------------------|----------------------------------|--------------|-----------|
| Mail Stop Amendment | U.S. Patent and Trademark Office | 571-273-8300 | |

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|--------------------|-----------------------------------|
| TOTAL NO. OF PAGES | 7 |
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| CLIENT/MATTER NAME | U.S. Patent Appln. No. 09/978,261 |
| CLIENT/MATTER NO. | 251305/0028 |

MESSAGE

Transmitted herewith please find:

1. Response to December 5, 2006 Office Action (4 pp.);
2. Fee Transmittal (1 p.)
3. Certificate of Facsimile (1 p.)

CONFIDENTIAL

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MAY 05 2006

Docket No.
251305/0028
SBP:AEW**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David Y. Zhang, et. al.

Group Art Unit: 1634

Application No.: 09/978,261

Examiner: Frank Lu

Filed: October 15, 2001

For: NUCLEIC ACID AMPLIFICATION METHOD

Date: May 5, 2006

CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)**Mail Stop Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

Response to December 5, 2006 Office Action (4 pp.); Fee Transmittal (1 p.) and Fax Cover Sheet (1 p.)is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **May 5, 2006****Lucy Assevero**

(Typed Or Printed Name Of Person Signing this Certificate)



(Signature)

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MAY 05 2006

Docket No.
251305/0028
SBP:AEWIN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: **David Y. Zhang, et al.**

Group Art Unit: 1634

Application No.: 09/978,261

Examiner: **Frank Lu**Filed: **October 15, 2001**For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: May 5, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO DECEMBER 5, 2005 OFFICE ACTION**

Sir:

Applicants respectfully submit this response to the Office Action of the United States Patent and Trademark Office mailed on December 5, 2005. A response to the Office Action was due on March 5, 2006. By this response Applicants respectfully petition a two month extension of time. Accordingly, this Response is timely filed. Applicants respectfully request consideration and entry of the following revisions and remarks.

Remarks/Arguments begin on page 2 of this paper.

05/08/2006 TL0111 00000013 194709 09978261
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MAY 05 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**225.00****Complete if Known**

| | |
|----------------------|------------------|
| Application Number | 09/978,261 |
| Filing Date | October 15, 2001 |
| First Named Inventor | David Y. Zhang |
| Examiner Name | Frank Lu |
| Art Unit | 1634 |
| Attorney Docket No. | 251305/0028 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: **19-4709** Deposit Account Name: **Stroock & Stroock & Lavan LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------------|---------------------|-----------------|----------------------|

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|----------------------|---------------------|-----------------|----------------------|

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|---------------------|---|-----------------|----------------------|

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): **two month extension fee****Fees Paid (\$)****225.00****SUBMITTED BY**

| | | |
|--|--------------------------------|---------------------------------|
| Signature | Registration No. 26,405 | Telephone (212) 806-5400 |
| Name (Print/Type) Steven B. Pokotilow | (Attorney/Agent) | Date May 5, 2006 |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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